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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,162	07/30/2001	Herbert Gerharter	PHAT 000046	2121

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,162	Applicant(s) GERHARTER ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. Applicant is requested to provide Section headings (f) to (i) in the specification as required by 37 CFR 1.77 (b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5,8-10 ,12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (5,432,558) in view of Kim et al (6,118,926).

Regarding claims 1 and 12, Kim (5,432,558) discloses a recording arrangement (13, column 4, lines 40-65)) having a receiving means for receiving reception information including program information and, in at least one receiving channel picture information and/or sound information of a television program, and having detection means for the detection of the received program information , which characterizes the start times and end times of television programs that can be received in the receiving channels (Fig. 11, column 7, lines 40-55) and having recording means , which are adapted to record the picture information and/or sound information received in the receiving channel on a record carrier from a recording start time till a recording end time and having recording control means which, when a user of the recording arrangement has defined the recording start time and the receiving channel for a recording, are adapted to propose the end time determined by the detection means as the recording end time for the recording of the television program that can be received in the receiving channel. .At Fig. 13, Kim teaches generating the end time for ending the recording of the program when the current time is off time (column 4 lines 40-65, Fig. 13).

Kim' (5,432,558) fails to teaches tat end time is proposed to the user when a start time of recording video signal is defined .

Kim (6,118,926) disclose a rcording apparatus having a control means for proposing an end time to a user when a recording start time is defined (Figs, 3 and 5).

It would have been obvious to one of ordinary skill in the art to modify Kim (5,432,558) with Kim (6,118,926) by providing the apparatus of Kim (5,432,558) with a

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control means as taught by Kim (6,118,926) for proposing to the user the ending time of a program when a recording start time is defined thereby enhancing the capacity of the apparatus of Kim (5,432,558) to provide more convenience to the user in making a reservation for recording a channel .

Regarding claims 2, Kim (5,432,558) further teaches the recording arrangement (1) as claimed in claim 1, in which the recording control means (13), when a user of the recording arrangement has defined the current time as the recording start time and the receiving channel currently selected for a recording at the receiving means (4), are adapted to propose the end time determined by the detection means as the recording end time for the recording of the television program received in the receiving channel currently selected at the receiving means since the user can select the current time as a recording start time based on the displayed start time of the program information . (Fig. 13, column 4, lines 30-65).

Regarding claim 3, 10 and 13, Kim (5,432,558) as modified with Kim teaches providing propose end time of a further television program since the user can select a further television for recording by inputting the user instruction to the controller of the apparatus

Method claims 8 and 9 correspond to apparatus claims 1 and 2. Therefore method claims 8 and 9 are rejected by the same reason as applied to apparatus claims 1 and 2.

Regarding claim 4, Kim (5,432,558) further teaches the recording arrangement as claimed in claim 1, which includes change means adapted to change the proposed

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recording end time in accordance with selection information entered by the user of the recording arrangement since the user can control the end time recording .

Regarding claim 5, Kim (5,432,558) further the recording arrangement as claimed in claim 1, in which the detection means are adapted to detect an electronic program guide contained in the reception information and complying with the standard respectively (column 4, lines 15-65, Figs 11, 13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,432,558) in view of Kim et al (6,118,926) as applied to claims 1-5 above , further in view of Ellis et al (2004/0175121).

Kim (5,432,558) fails to teach means to receive the program information (PI2) from the Internet,. (column 4, lines 10-65).

Ellis teaches a recording apparatus for having means for receiving program from a internet source (section 0039).

It would have been obvious to one of ordinary skill in the art to modify Kim (5,432,558) with Ellis by using internet receiving means as taught by Ellis with the apparatus of Kim (5,432,558) thereby enhancing the capacity of the apparatus of Kim for receiving the program guide data from Internet .

7. Claims 7,11,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,432,558) in view of Kim et al (6,118,926) in view of Kuroda (6,311,011) .

Regarding claims 7 and 11, Kim (5,432,558) fails to teach using intermediate storage means (6) for recording in a continually overwriting fashion the picture information and/or sound information of the television program last received in the selected receiving channel during an intermediate storage time and in which the recording control means are adapted to assign the television signal of the beginning of a television program recorded in the intermediate storage means during the intermediate storage time to the television signal of the television program recorded

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during the recording time, if the recording start time does not correspond to the start time of the television program.

Kuroda teaches a recording apparatus having intermediate storage means (6) for storing a television signal of a television program during intermediate storage time when a recording start time not corresponds to start time of the program (column 5, column 12, lines 30-45, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Kim (5,432,558) with Kuroda by using a intermediate storage means as taught by Kuroda with the apparatus of Kim (5,432,558) for storing the television signal when the recording start time does not corresponds to the recording start time in order to prevent losing a part of the television program dues by delaying a recording decision.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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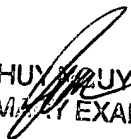
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER